



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,707	07/22/2003	Sohci Manabe	38493-8063US	8397

62294 7590 10/17/2006

PERKINS COIE LLP  
P.O. BOX 1247 PATENT-SEA  
SEATTLE, WA 98111-1247

EXAMINER

PATEL, KANJIBHAI B

ART UNIT PAPER NUMBER

2624

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/625,707	<b>Applicant(s)</b> MANABE, SOHEI	
	<b>Examiner</b> Kanji Patel	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 3 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/24/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Information Disclosure Statement submitted on 3/24/06 has been considered by the examiner.

### ***Drawings***

2. Drawings filed 7/22/03 have been approved by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2 and 4-6** are rejected under 35 U.S.C. 102(e) as being anticipated by Ogata et al. (US 7,092,019 B1).

**For claim 1**, Ogata discloses a method of forming an image using an image sensor comprising:

capturing a plurality of frames using said image sensor (CCD 12 in Figure 4 is used to capture a plurality of images i.e. two images in this case; column 3, lines 53-67; memory 14 is used to temporally store long time exposed image xL1 and memory 16 is used to store temporally a short time exposed image xS1);

Art Unit: 2624

identifying a reference point in each of said plurality of images (in figure 6, top left corner of images xL2 and xS3 can provide a starting point or a reference point for each images and they are a two dimensional vector  $d(dx, dy)$ , here  $dx$  represent a horizontal component of the amount of misregistration and  $dy$  a vertical component of the misregistration which are sent to the misregistration corrector 23 (column 4, lines 57-63);

aligning said plurality of frames using said reference point (misregistration detector 27 and misregistration corrector 23 are used for alignment); and

combining said plurality of frames into said image (column 7, lines 49-54).

**For claim 2**, Ogata discloses the method wherein said combining is an arithmetic combination of like pixels in said plurality of images (column 8 line 55 to column 8 line 35; equation 13 provides arithmetic).

**For claim 4**, see the rejection of claim 1 above. Frame memories 14 and 16 are used to store plurality of images.

**For claim 5**, Ogata discloses the method wherein additional frames are captured by said image sensor, aligned using said reference point, and added said frame memory (column 21, lines 8-11).

**For claim 6**, see the rejection of claim 2 above.

***Allowable Subject Matter***

4. **Claims 3 and 7** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art on record fails to teach or suggest, singly or in combination that each of the plurality of images are captured using substantially the same exposure time.

**Other prior art cited**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jago et al. (US 6,589,176 B2) disclose an ultrasonic image stabilization system and method.

Kurogane et al. (US 4,998,132) disclose an image edit system.

Alsing et al. (US 6,362,850 B1) disclose an interactive movie creation from one or more still images in a digital imaging device.

**Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kanji Patel whose telephone number is (571) 272-7454. The examiner can normally be reached on Monday to Thursday from 8 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bella, Matthew can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kanji Patel  
Art Unit 2624  
10/09/06

  
**KANJIBHAI PATEL**  
**PRIMARY EXAMINER**